

Recording requested by:

City of Milpitas

When recorded mail to:

City of Milpitas

City Engineer's Office

455 E. Calaveras Blvd.

Milpitas, Ca 95035

Record without fee under Section

6103-Government Code, State of
California

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS SUMMARILY VACATING A PORTION OF PUBLIC
EASEMENT FOR LANDSCAPE AND SIDEWALK PURPOSES ALONG N. MCCARTHY BOULEVARD**

WHEREAS, the City Council has agreed to vacate a portion of the public easement for landscape and sidewalk purposes along N. McCarthy Boulevard, further described and depicted on the attached exhibit "A"; and

WHEREAS, Section 8333 (a) of the Streets and Highways Code of the State of California provides that the legislative body of a local agency may summarily vacate a public easement; and

WHEREAS, the subject easement was dedicated to the City on July 28, 2000, recorded in book 730 of Maps at page 13, Official Records of Santa Clara County; and

WHEREAS, the Council finds that the easement has been superseded by reduction, and there are no other public facilities located within that portion of the easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas, California, that the portion of landscape and sidewalk easement described and depicted on the attached exhibit "A" be summarily vacated; and

BE IT FURTHER RESOLVED that the City Clerk shall cause a resolution, attested under seal of the City of Milpitas, to be recorded in the Office of the County Recorder of Santa Clara County.

PASSED AND ADOPTED this 3rd day of February, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

LEGAL DESCRIPTION
For
Vacation of the Westerly 7 Feet of the 34 foot
Landscape & Sidewalk Easement

A portion of Parcels Three and Four also being the westerly seven (7') feet of a thirty four (34') foot wide Landscape & Sidewalk Easement, as shown on that Parcel Map recorded in Book 730, Maps, Page 13 through 16, Records of Santa Clara County, situate in the City of Milpitas, Santa Clara County, State of California and being more particularly described as follows:

COMMENCING at a point on the westerly right-of-way line of McCarthy Boulevard, said point also being the common corner of Parcels two and three;

THENCE, southerly along said westerly right-of-way line the following two courses;

1. S08°05'10"E, a distance of 938.86 feet, to a point of curvature,
2. along a tangent curve to the right with a radius of 2919.00 feet, having a central angle of 4°39'12", through an arc length of 237.23 feet,

THENCE, leaving said right-of-way of McCarthy Boulevard and across said parcel three, S86°34'21"W, a distance of 34.00 feet to the westerly line of said thirty four (34') foot wide Landscape & Sidewalk Easement and the **POINT OF BEGINNING**, said line being the westerly line of said seven (7') foot Landscape & Sidewalk easement being vacated;

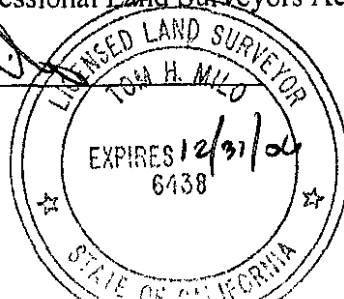
THENCE, northerly along said westerly line and parallel with the westerly right-of-way line of McCarthy Boulevard and across said Parcels Three and Four, the following seven (7) courses;

1. along a curve to the left, whose radius bears S86°34'21"W, of 2885.00 feet, through a central angle of 4°39'23", an arc length of 234.46 feet;
2. N8°05'10"W, a distance of 1799.55 feet;
3. N9°17'26"W, a distance of 193.97 feet;
4. along a curve to the left, having a radius of 926.00 feet, through a central angle of 5°07'17", an arc length of 82.77 feet;
5. N14°24'43"W, a distance of 718.26 feet;
6. along a curve to the left, with a radius of 465.00 feet, through a central angle of 28°04'20", an arc length of 227.83 feet, to a point of compound curvature;
7. along a curve to the left, having a radius of 482.00 feet, through a central angle of 23°25'02", an arc length of 197.00 feet, to the westerly property line of said Parcel Four and the **POINT OF TERMINATION** for this description and from which the northerly corner of Parcel Four bears, N02°18'49"E, 36.42 feet.

Containing 24,212 square feet, more or less.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Tom H. Milo
Licensed Land Surveyor
California No. 6438



Date

1/8/04

CITY OF MILPITAS
COUNTY OF SANTA CLARA
STATE OF CALIFORNIA

COYOTE CREEK



LANDS OF SANTA CLARA
VALLEY WATER DISTRICT
N145 OR 0917

MILPITAS SANITARY DISTRICT
2832 OR 232

PARCEL THREE
BK 730, PG 16
24.41 ACRES±

27' WIDE STRIP OF LANDSCAPE &
SIDEWALK EASEMENT TO REMAIN
94,069 SQ.FT.±

7' WIDE STRIP OF LANDSCAPE &
SIDEWALK EASEMENT TO BE VACATED
24,212 SQ.FT.±
N 08°05'10"W 1799.55'

(E) 34' WIDE LANDSCAPE &
SIDEWALK EASEMENT

MCCARTHY BOULEVARD

POINT OF COMMENCEMENT

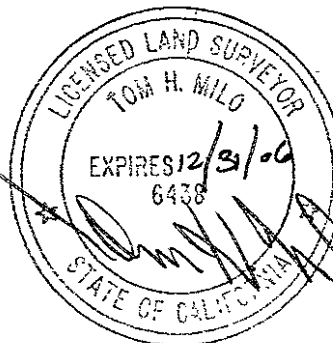
LEGEND

ALL DISTANCES AND DIMENSIONS ARE
SHOWN IN FEET AND DECIMALS THEREOF.
THE DISTINCTIVE BORDER LINE INDICATES THE
BOUNDARY OF LAND SURVEYED BY THIS MAP.

----- INDICATES BOUNDARY OF LAND

○ NOTHING FOUND OR SET

⊙ INDICATES STANDARD CITY MONUMENT
FOUND, STAMPED RCE 14392



PLAT TO ACCOMPANY DESCRIPTION OF 7' VACATION OF A 34' LANDSCAPE & SIDEWALK EASEMENT



MARK THOMAS & COMPANY, INC.
Providing Engineering, Surveying, and Planning Services
90 ARCHER STREET
SAN JOSE, CA. 94539 (408) 453-5373

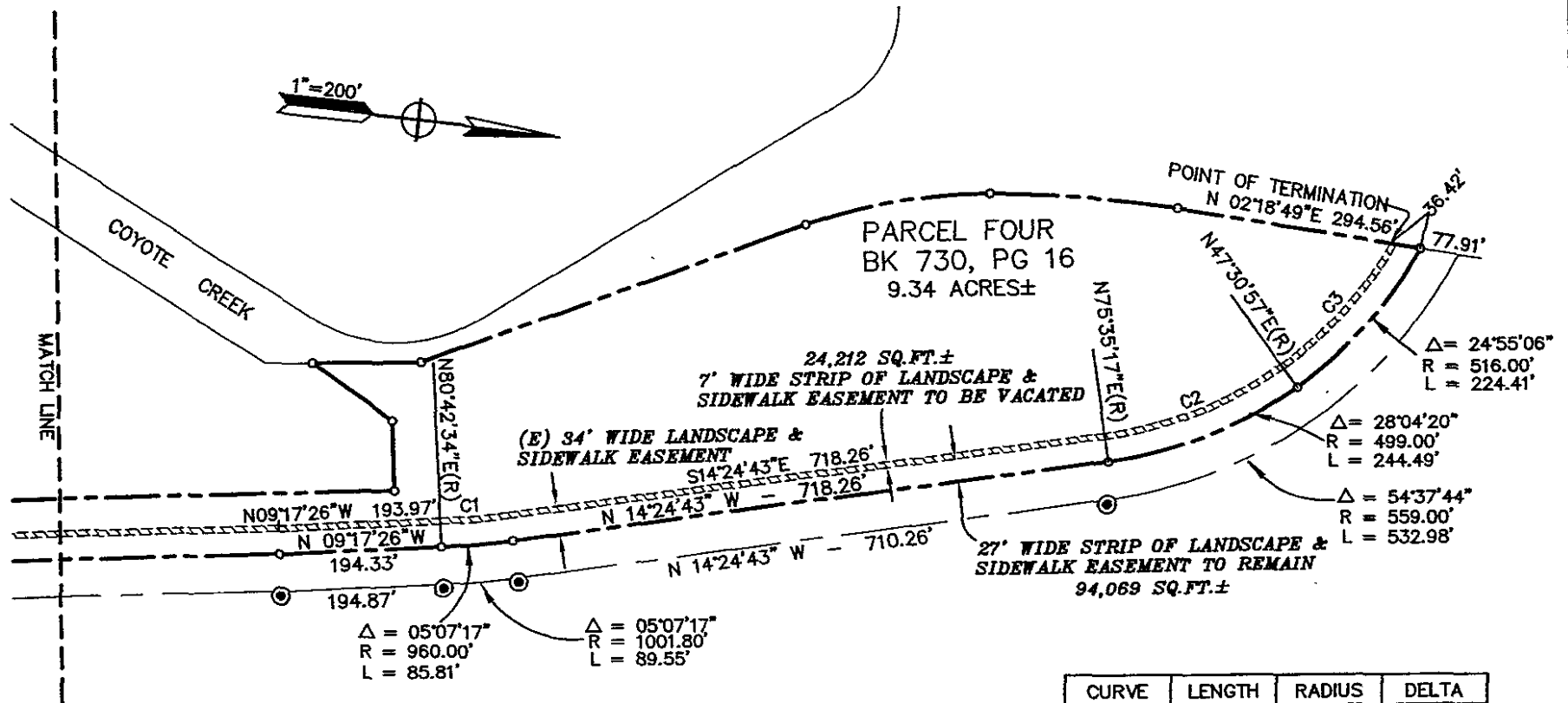
DESIGNED BY DCJ
CKD. BY THM
DATE 12/12/2003
SCALE 1"=200'

APPROVED ON 12/12/2003
BY TOM H. MILO
L.S. NO. 6438 EXP. 12/31/06

JOB NO.
23-50008
FILE NO.
#

SHEET
1
OF
2

CITY OF MILPITAS
COUNTY OF SANTA CLARA
STATE OF CALIFORNIA



LEGEND

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DESIGNED BY DCJ	APPROVED ON 12/12/2003	JOB NO. 23-50006	SHEET 2
CHKD. BY THM	BY TOM H. MILO	FILE NO. #	OF 2
DATE 12/12/2003	L.S. NO. 6438 EXP. 12/31/06		
SCALE 1"=200'			